

Date: October 17, 2017

## **CASCADE COUNTY PLANNING BOARD**

**ITEM:** Conservation Easement – Walter Gruel & Son, Inc.

**ACTION REQUESTED:** Request for Comments from Cascade County Planning Board

**PRESENTED BY:** Sandor Hopkins, Cascade County Planner

### **General Information:**

*According to 76-6-206, MCA, "...all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies. It shall be the responsibility of the entity acquiring the conservation easement to present the proposed conveyance of the conservation easement to the appropriate local planning authority. The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."*

### **Special Information:**

The Gruel Family would like to place a conservation easement on 6,296 acres they own in Cascade and Chouteau counties. The easement would be purchased through the Agricultural Land Easement (ALE) program administered by the Natural Resource Conservation Service (NRCS). The property is located about 5 miles North of Great Falls along Highway 87 and the BNSF railway and is currently being used for farming and some grazing, as well as a temporary gravel extraction operation for the State of Montana. The proposed easement will cover four parcels in Cascade County, totaling 961.72 acres, owned by Walter Gruel & Son, Inc. The legal description of the property is Geocode: 3258-06-2-02-01, 3258-05-2-01-01, 3258-04-2-02-01, 3258-08-3-01-01, and Parcel #: 2872400, 2871200, 2870100, 2874900. It is in Sections 06, 05, 04, and 08, Township 22 North, Range 05 East, Cascade County, MT.

**Existing structures on Gruel Property include:**

- Two residences.
- Bunkhouse.
- Barn.
- Garage.
- Grain bins.
- Other old outbuildings.

**Allowed future development on Gruel Property:**

- Two new single family residential structures with associated non-residential and agricultural structures will be located in the building envelopes that encompass existing residences.
- Retain the right to replace existing agricultural structures.
- The property will transfer as three parcels only.

**According to the Deed of Conservation Easement:**

- *“The Protected Property includes significant open-space land as defined in the Montana Open Space Land and Voluntary Conservation Easement Act, Montana Code Annotated (MCA) Section 76-6-101, et seq.; and”*
- *“Preservation of the Protected Property by this Easement will yield significant public benefits to the people of the State of Montana, Cascade County, Chouteau County, and the United States by protecting, preserving, and providing the following significant resources, in perpetuity, in compliance with Section 170(h)(4)(A) of the Internal Revenue Code and Sections 76-6-101, et seq., MCA:”*
  - *“Open space lands, 5,371 acres (86%) of which are designated as agriculturally significant by the NRCS, and which maintain the rural, agricultural, and natural scenic qualities of the area and provide opportunities to continue traditional farming and ranching practices in perpetuity, as encouraged and supported by federal tax policies including Section 170(b)(1)(E) of the Internal Revenue Code, and clearly delineated land conservation policies adopted in Cascade County, Montana, and Chouteau County, Montana.”*
  - *“Retention of important farmland, including, prime, prime if irrigated, and important statewide and locally important soils, as designated by NRCS.”*
  - *“Scenic views of historic Montana landscapes and working agricultural lands in the Missouri River Valley, that are enjoyed by members of the general public traveling Highway 87, Antelope Lake Road, and Power Line Road, public roadways which border/bisect the Protected Property, and*

*the protection of this landscape located immediately adjacent to state public lands will provide public benefits by ensuring the open space will remain relatively undisturbed by prohibiting residential subdivision on the Protected Property in perpetuity;"*

- *"Retention of significant open space for a variety of other uses, including for the benefit of fish and wildlife, such as hawks, kites, eagles, longspurs, snow buntings, geese and ducks, all of which use the Protected Property;"*

## **Conclusion**

The proposed conservation easement will preserve ranch lands, scenic open space, and land adjacent to lands owned and administered by the State of Montana. Staff will forward any comments that the Planning Board has to the grantee (The Montana Land Reliance). The proposal is in general compliance with Cascade County's Growth Policy in that it preserves agricultural lands and scenic open space.

Attachment: Vicinity Map